

House Bill 829

By: Representatives Benfield of the 85th, Casas of the 103rd, and Kaiser of the 59th

A BILL TO BE ENTITLED
AN ACT

To amend Part 3 of Article 6 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to educational programs under the "Quality Basic Education Act," so as to provide for early admission to kindergarten or first grade for advanced gifted children; to provide for legislative findings; to provide for state criteria and procedures; to provide for the establishment of criteria and procedures by local school systems; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

The General Assembly hereby finds and declares that provisions to identify and serve advanced gifted children who are four years of age or five years of age for whom early entrance to kindergarten or first grade, respectively, is deemed appropriate by a local school system are important elements of meeting the needs of gifted learners and in line with current research and best practices in gifted education.

SECTION 2.

Part 3 of Article 6 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to educational programs under the "Quality Basic Education Act," is amended in Code Section 20-2-150, relating to eligibility for enrollment, by revising subsection (a) and adding a new subsection to read as follows:

"(a) Except as otherwise provided by ~~subsection~~ subsections (b) or (b.1) of this Code section, all children and youth who have attained the age of five years by September 1 shall be eligible for enrollment in the appropriate general education programs authorized in this part unless they attain the age of 20 by September 1 or they have received high school diplomas or the equivalent. This shall specifically include students who have reenrolled after dropping out and who are married, parents, or pregnant. Special education students shall also be eligible for enrollment in appropriate education programs through age 21 or

until they receive high school or special education diplomas or the equivalent; provided, however, that they were enrolled during the preceding school year and had an approved Individualized Education Program (IEP) which indicated that a successive year of enrollment was needed. Other students who have not yet attained the age of 21 by September 1 or received high school diplomas or the equivalent shall be eligible for enrollment in appropriate education programs, provided they have not dropped out of school for one quarter or more. Each local unit of administration shall have the authority to assign students who are married, parents, or pregnant or who have reenrolled after dropping out for one quarter or more to programs of instruction within its regular daytime educational program, provided that a local unit of administration may develop and implement special programs of instruction limited to such students within the regular daytime educational program or, at the option of the student, in an alternative program beyond the regular daytime program; provided, further, that such programs of instruction are designed to enable such students to earn course credit toward receiving high school diplomas. These programs may include instruction in prenatal care and child care. Each local unit of administration shall have the authority to provide alternative programs beyond the regular daytime educational program. Unless otherwise provided by law, the State Board of Education shall have the authority to determine the eligibility of students for enrollment. It is declared to be the policy of this state that general and occupational education be integrated into a comprehensive educational program which will contribute to the total development of the individual."

"(b.1)(1) A child who is identified as an advanced gifted child shall be eligible for enrollment in the appropriate general or special education programs authorized in this part if such child is:

(A) Four years of age, and early entrance to kindergarten is deemed appropriate for such child by the local school system; or

(B) Five years of age, and early entrance to first grade is deemed appropriate for such child by the local school system.

(2)(A) A child shall be considered an advanced gifted child as defined by the State Board of Education based on a qualifying composite score on a test approved by the State Board of Education, which may include the Iowa Acceleration Scale, which shall be administered by a qualified examiner, as defined by the State Board of Education. No later than July 1, 2010, the State Board of Education shall establish criteria and a process that local school systems shall use to make determinations regarding early entrance to kindergarten or first grade for eligible advanced gifted students.

(B) Local school systems may petition the State Board of Education for the use of an alternative assessment or assessments of eligibility for early entrance, provided that the alternative assessment shall include consideration of a child's:

(i) Aptitude;

(ii) Achievement;

(iii) Performance;

(iv) Academic readiness for advanced placement;

(v) Observable social behavior; and

(vi) Motivation to learn.

(3) The process established pursuant to paragraph (2) of this subsection shall include:

(A) A timeline according to which a child's parent or guardian may apply for early entrance to kindergarten or first grade for such child;

(B) A description of local school system personnel who shall be involved in the process of identifying advanced gifted children for whom early entrance to kindergarten or first grade is appropriate;

(C) A description of how each child for whom the parent or guardian is seeking early entrance to kindergarten or first grade shall be evaluated;

(D) A description of the entire body of evidence that shall be used to evaluate each child for whom the child's parent or guardian is seeking early entrance to kindergarten or first grade;

(E) A description of how decisions concerning early entrance to kindergarten or first grade shall be made collaboratively by local school system personnel and parents or guardians;

(F) A description of how local school systems shall monitor the performance of a child who has received early entrance to kindergarten or first grade; and

(G) A description of the process by which parents or guardians may appeal a decision and a timeline within which an appeal will be considered.

(4)(A) In adopting and implementing criteria and a process to identify and serve advanced gifted children, each local board of education may include provisions to identify and serve advanced gifted children who may be eligible for early entrance into kindergarten or first grade pursuant to this subsection.

(B) Local school systems shall make available upon request by any person the criteria and process for early entrance established pursuant to subparagraph (A) of this paragraph, including time frames, deadlines, and any specific assessments and threshold scores used in identifying and making final determinations.

(C) Local school systems shall not charge a fee for any assessments or other procedures performed by the local school system for the purpose of identifying

